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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,841	09/11/2000	YUKITOSHI TAKEUCHI	35.C14786	5609
5514	7590	07/29/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			SHERRILL, JASON L	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2622

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/659,841

Applicant(s)

TAKEUCHI, YUKITOSHI

Examiner

Jason L. Sherrill

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,8,10,11 and 14 is/are rejected.
- 7) ☒ Claim(s) 2,5,6,9,12, and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 4, 7, 11, and 14 are rejected under 35 U. S. C. 103 (a) as being unpatentable over Peng (U.S. Patent No. 6,026,261).

For claims 1 and 8, Peng discloses an image reading apparatus comprising an original mounting table (15, Fig. 3), a scanning means for scanning an original mounted on the original mounting table (21, Fig. 3; col. 2, lines 28-33), a carriage for mounting a scanning means (23, Fig. 3; col. 2, lines 28-33), a driving member for transmitting a moving force to a carriage (27, Fig. 3; col. 2, lines 28-33), and a guide member for guiding the carriage in the movement direction (25, Fig. 3; col. 2, lines 28-33), a driving member arranged to transmit a moving force to the carriage (27, Fig. 4; col. 2, lines 58-65), the driving member extending along a first line from a forward side of the carriage in the movement direction and the driving member extending along a second line from a backward side of the carriage and the first line and second line are not coincident when viewed along the axis perpendicular to the original mounting table (Fig. 4).

For claims 4 and 11, Peng indirectly teaches a carriage comprising two sliders sliding with the guide member (Fig. 4). The sliders would be biased toward the guide member by the tension of the driving member and idlers provided on the scan carriage (47, Fig. 4) as applied to claims 1 and 8 above.

For claims 7 and 14, Peng discloses the driving member comprising a cable (27, Fig. 4; col. 2, lines 28-33).

3. Claims 3 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (U.S. Patent No. 6,026,261) as applied to claims I and 8 above, and further in view of Chang et al. (U.S. Patent No. 6,246,492).

For claims 3 and 10, Peng discloses and an idler pulley mounted on the carriage for biasing the driving member wherein the carriage is moved by a reaction force received from the driving member (47, Fig. 4).

Peng fails to discloses a driving source mounted on the carriage for driving the carriage, a driving pulley mounted on the carriage for transmitting a driving force from the driving source to the driving member, and an idler pulley mounted on the carriage for biasing the driving member wherein the carriage is moved by a reaction force received from the driving member.

Chang discloses a driving source mounted on the carriage for driving the carriage (232 Fig. 2; col. 2, lines 33-38), and a driving pulley mounted on the carriage for transmitting a driving force from the driving source to the driving member (406, Fig. 4); col. 3, lines 14-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image reading device of Peng and the image reading device of Chang because both teach scanning device which use cables and pulleys to transfer driving force to a scan carriage. The improvement on Peng by Chang would allow smoother transfer of driving force to the scan carriage.

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***Allowable Subject Matter***

4. Claims 2, 5, 6, 9, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Sherrill whose telephone number is 703-306-4053. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLS

  
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